

(A1675)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
--	-----------------------------------

This document relates to:

Federal Insurance Co., et al. v. al Qaida, et al.
03 CV 6978 (RCC)

Thomas Burnett, et al. v. Al Baraka Investment
& Development Corp, et al.
02 CV 9849 (RCC)

PROPOSED ORDER OF SUBSTITUTION OF COUNSEL

Sheppard Mullin Richter & Hampton LLP shall be and hereby is substituted for White &
Case LLP as counsel for defendants DMI Administrative Services, S.A. and Islamic Investment
Company of the Gulf (Sharjah).

Dated: ~~March~~ __, 2005.

May 16

SO ORDERED:



THE HONORABLE RICHARD C. CASEY, U.S.D.J.



USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5-16-05
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
--	-----------------------------------

This document relates to:

Federal Insurance Co., et al. v. al Qaida, et al.
03 CV 6978 (RCC)

Thomas Burnett, et al. v. Al Baraka Investment
& Development Corp, et al.
02 CV 9849 (RCC)

**AFFIDAVIT OF JAMES J. MCGUIRE
IN SUPPORT OF APPLICATION TO CHANGE
COUNSEL PURSUANT TO LOCAL CIVIL RULE 1.4**

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss:

JAMES J. MCGUIRE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and makes this affidavit in support of the application of defendant DMI Administrative Services, S.A. ("DMI S.A."), pursuant to Rule 1.4 of the Local Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for DMI S.A. in *Federal Insurance Co., et al. v. al Qaida, et al.* 03 CV 6978 (RCC) (the "Federal Action") and *Thomas Burnett, et al. v. Al Baraka Investment & Development Corp, et al.* 02 CV 9849 (RCC) (the "Burnett Action") and replace outgoing counsel, White & Case LLP.

2. I also make this affidavit in support of defendant Islamic Investment Company of the Gulf (Sharjah) ("IICGS") the application of, pursuant to Rule 1.4 of the Local

Rules, to substitute my Firm, Sheppard Mullin Richter & Hampton LLP, as counsel of record for IICGS in the *Federal* Action and replace outgoing counsel, White & Case LLP.

3. The status is as follows with respect to DMI S.A.:

- (a) A Motion to Dismiss the *Burnett* Action was submitted to the Court on April 9, 2004;
- (b) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Burnett* Action on June 4, 2004;
- (c) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Burnett* Action was submitted to the Court on June 18, 2004;
- (d) DMI S.A. entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (e) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 15, 2004;
- (f) Plaintiffs filed an Opposition to DMI S.A.'s Motion to Dismiss the *Federal* Action on December 14, 2004; and
- (g) A Reply Memorandum in support of DMI S.A.'s Motion to Dismiss the *Federal* Action was submitted to the Court on January 4, 2005.

4. The status is as follows with respect to IICGS:

- (a) IICGS entered into a Stipulation in the *Federal* Action regarding service of process issues and motion scheduling on July 27, 2004 and September 8, 2004.
- (b) A Motion to Dismiss the *Federal* Action was submitted to the Court on October 8, 2004;
- (c) Plaintiffs filed an Opposition to IICGS's Motion to Dismiss the *Federal* Action on December 7, 2004; and
- (d) A Reply Memorandum in support of IICGS's Motion to Dismiss the *Federal* Action was submitted to the Court on December 21, 2004.

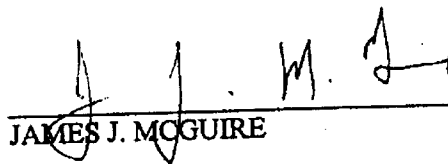
5. No trial date has yet been set in this matter.

6. It is not anticipated that the proposed substitution of counsel will delay the progress of this case.

7. Attached hereto as Exhibit A is a consent and stipulation to substitute attorneys in both the *Burnett* Action and the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and DMI Administrative Services, S.A.

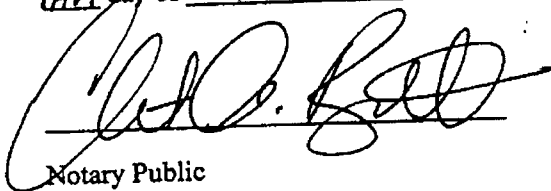
8. Attached hereto as Exhibit B is a consent and stipulation to substitute attorneys in the *Federal* Action, entered into and signed by Sheppard Mullin Richter & Hampton LLP, White & Case LLP, and Islamic Investment Company of the Gulf (Sharjah).

Accordingly, we respectfully request that the proposed substitution of counsel be approved.


JAMES J. MCGUIRE

Sworn to before me this

14th day of March, 2005


Notary Public

CHRISTINA ANN BENNETT
NOTARY PUBLIC, State of New York
No. 01BE040323
Qualified in Queens County
Commission Expires April 17, 2008

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Terrorist Attacks on September 11, 2001	Case No. 03 MD 1570, filed in Associated Cases: 1:03-cv-09849-RCC and 1:03-cv-6978-RCC
SUBSTITUTION OF ATTORNEY	

_____ DMI Administrative Services, S.A. _____ ☐ Plaintiff ☒ Defendant ☐ Other _____
(Name of Party)

hereby substitutes _____ James J. McGuire, Timothy J. McCarthy, Mark A. Berube _____
who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP
30 Rockefeller Plaza, Suite 2400
New York, New York 10112
Telephone: 212-332-3800, Facsimile: 212-332-3888,

as attorney of record in the place and stead of _____

White & Case LLP

Dated: 1/2/2005, 2005

(Name of Present Attorney)


Signature of Party

I consent to the above substitution.

Dated: February 24, 2005

White & Case LLP
R. H. [Signature]
Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.

Dated: 2/15, 2005

[Signature]
Signature of New Attorney

Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.

Dated: _____, 2004

United States District Judge / Magistrate Judge

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Federal Insurance Co., et al., <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> Al Qaida, et al., <p style="text-align: center;">Defendant.</p>	Case No. 03 CV 6978 (RCC) <p style="text-align: center;">SUBSTITUTION OF ATTORNEY</p>
--	---

_____ Islamic Investment Company of the Gulf (Sharjah) _____ ☐ Plaintiff ☒ Defendant ☐ Other _____
 (Name of Party)

hereby substitutes _____ James J. McGuire, Timothy J. McCarthy, Mark A. Berube _____
 who is ☒ Retained Counsel ☐ Court Appointed Counsel ☐ Pro Per

of Sheppard, Mullin, Richter & Hampton, LLP
 30 Rockefeller Plaza, Suite 4250
 New York, New York 10112
 Telephone: 212-332-3800, Facsimile: 212-332-3888,

as attorney of record in the place and stead of _____ White & Case LLP
 (Name of Present Attorney)

Dated: 1/2/05, 2005 _____
 Signature of Party

I consent to the above substitution.
 Dated: February 24, 2005 _____

_____ White & Case LLP by P. H. Jeff
 Signature of Present Attorney

I am duly admitted to practice in this District and consent to the above substitution.
 Dated: 2/15, 2005 _____

_____ J. P. M. J. _____
 Signature of New Attorney

Substitution of Attorney is hereby ☐ APPROVED. ☐ DENIED.

Dated: _____, 2004 _____
 United States District Judge / Magistrate Judge

APR-21-2005 10:25

FERBER FROST CHAN ESSNER

212 944 7731 P.02

(A167, J.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
---	-------------------------------

This document relates to:

*Continental Casualty Co., et al. v. Al Qaeda Islamic Army, et al., Case No. 04-CV-5970
(S.D.N.Y.)*

**STIPULATION AND ORDER REGARDING SCHEDULE TO
RESPOND TO COMPLAINT CONSOLIDATED UNDER MDL 1570**

It is HEREBY STIPULATED AND AGREED, by and between Plaintiffs in the above-referenced case consolidated under 03 MDL 1570 and Defendants Jamal Barzinji and International Institute of Islamic Thought ("Defendants"), by and through their undersigned counsel, subject to the approval of the Court, as follows:

1. The Court previously approved Stipulations by and between counsel for Plaintiffs and defendant Jamal Barzinji to respond to Plaintiffs' complaint on or before March 28, 2005.
2. Currently pending before the Court are three separate motions to dismiss relating to the Defendants in other consolidated cases: (1) a motion to dismiss in *Burnett v. Al Baraka Investment and Development Group, et al.*, brought by defendants African Muslim Agency, Grove Corporate, Heritage Education Trust, International Institute of Islamic Thought, Mar-Jac Investments, Reston Investments, Safa Trust, and York Foundation; (2) a motion to dismiss in *Ashton v. Al Qaeda Islamic Army, et al.* brought by the International Institute of Islamic Thought; and (3) a motion to dismiss in *Federal Insurance Company v. Al Qaeda, et al.* brought by Iqbal Unus, Jamal Barzinji, M. Omar Ashraf, M. Yaqub Mirza, Muhammad Ashraf, and Taha Al-Alwani (the "Pending Motions"). The Court was fully briefed and heard argument on the Pending Motions on October 12 and 14, 2004, and took them under submission at that time.

GT6441990.1
353138-6

APR-21-2005 10:25

FERBER FROST CHAN ESSNER

212 944 7731 P.03

3. In the interests of judicial economy and to avoid duplicative motions involving similar allegations, it is hereby stipulated and agreed that Defendants shall have thirty (30) days from the date on which the Court decides the Pending Motions to answer or otherwise respond to Plaintiffs' complaint in the above-referenced case.

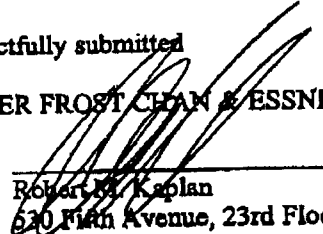
4. Plaintiffs shall have sixty (60) days from the date on which it is served with Defendants' responsive pleadings to file a response, if any. Defendants shall have twenty-one (21) days thereafter to file a reply to Plaintiffs' opposition.

5. This stipulation supersedes all previous stipulations between Plaintiffs and any Defendant.

Respectfully submitted

FERBER FROST CHAN & ESSNER, LLP


By:


Robert M. Kaplan
630 Fifth Avenue, 23rd Floor
New York, New York 10036-5101

Attorneys for Plaintiffs

DLA PIPER RUDNICK GRAY CARY US LLP

By:


Christopher J. Beal
4365 Executive Drive
Suite 1100
San Diego, CA 92121

Attorneys for Defendants

SO ORDERED:

RICHARD CONWAY CASEY, U.S.D.J.

Dated: _____

GT6434918.1
210363W-6


2

(A1675)

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X
ELSA CARDONA and MEIZA FLEITAS,	:
	:
Plaintiffs,	:
	:
-against-	: 04 Civ. 7686 (RCC)
	:
SOCIEDAD GENERAL DE AUTORES Y	: <u>STIPULATION AND ORDER</u>
EDITORES (SGAE), EMILIO GARCIA, and	:
ERNIE NAPOLEONI,	:
	:
Defendants.	:
-----	X

WHEREAS, the parties have settled their dispute, including the claims asserted herein, pursuant to a certain Settlement Agreement and General Release (the "Settlement Agreement"), which requires, among other things, for defendant Sociedad General de Autores y Editores ("SGAE") to make certain monetary Payments, as defined in the Settlement Agreement, to plaintiffs and their counsel;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record, AND ORDERED BY THE COURT AS FOLLOWS:


1. This action, including all of plaintiffs' claims in their complaint, shall be and is hereby dismissed with prejudice and without costs to either party, except that this Court shall retain jurisdiction of this action and the parties for the purpose of entry of judgment as specified in paragraph 2, below.

2. In the event that SGAE fails to make all of the Payments specified in the Settlement Agreement for any reason whatsoever, then in such event plaintiffs shall have the

right to the immediate entry of judgment in favor of plaintiffs and against SGAE for the entire amount of the Payments, less any amount of the Payments previously paid. SGAE shall pay plaintiffs' reasonable attorneys' fees and costs in connection with obtaining such a judgment.

Dated: New York, New York
April 22, 2005

MICHAEL SHEN & ASSOCIATES, P.C.


By: 
Sarah Hubbard (SH 9465)
225 Broadway
New York, New York 10007
(212) 227-0300

Attorneys for Plaintiffs

SO ORDERED:

U.S.M.J. 

LOEB & LOEB LLP

By: 
Mark J. Goldberg (MG-2398)
345 Park Avenue
New York, New York 10154
(212) 407-4000

Attorneys for Defendants